

NATIONAL INSTITUTES OF HEALTH
Deputy Ethics Counselors and Ethics Coordinators
Meeting Minutes: January 9, 2006

SAOs

Holli Beckerman Jaffe clarified again that SAOs are defined NIH wide. This does not mean other companies won't be a conflict for an employee. If a company is a prohibited holding for an employee, that does not make it an NIH wide SAO. Example: GE is not considered an SAO but may be a conflict for someone in NIBIB.

The question was asked if an SAO is determined for NIH will it be added to the SAO list? Holli stated that if a company is in question the final determination will be made by NEO and that these questions should be directed to the NEO through Diane Christensen.

Form HHS-716 and Divestiture

NEO has created forms/memos (2 different memos) to disseminate to employees who filed a 716 and do not require further 208 analysis and will be sending them out soon for your use: One is for employees who have SAOs under the de minimis; the other is for employees who have no SAO holdings.

There is a section of the form HHS-716 in which the employee must confirm their compliance with any decisions made based on review of the report, and understanding of the applicable rules. A copy of the 716 will be sent to the employees with the appropriate memo asking them to confirm their compliance by signing on page 11, make a copy for themselves and return the original copy with its original signature page to the Ethics Office, which can then replace the page in original record with the signature page submitted by the employee.

General Issues

- OGC requires that the original SF-278 reports be sent to the downtown OGC office by 12-31-05. Mattie Ward is coordinating this effort. Please respond to her emails if she contacts you on this matter.
- Anne Frost is coordinating the confirmation of the Top 5 listing. Please give this priority as we need to finalize who are Top 5 filers and ensure they are in compliance regarding the HHS-716 filing and divestiture regulations.
- The OGE annual report is due to NEO on 1-9-06. Please send your information to NEO as soon as possible.
- Traci Melvin distributed an email on 1-6-06 regarding 2005 annual training requesting information from all ICs. The deadline for the response to this request is Thursday, January 12, 2006.
- Programmers are revising the training tracking system/the master list data base so NEO will have better access to NIH-wide data for data reconciliation. Problems include some employees logging in multiple times, indicating the wrong IC, and non-NIH staff logging in as NIH.

Training

Once the listings of non-compliant employees are complete (this should be done by the end of January), ICs will initiate disciplinary actions. First, an email will be sent to the employee's supervisor notifying them that they must speak to these employees directly informing them they have 48 hours to complete the annual ethics training requirement. If the employee is still not compliant they will need to follow up and enforce a disciplinary action. The action will not be general but employee specific depending on the employee's history and behavior. Each supervisor must consult with their HR specialist for appropriate measures to take.

The training group and the Office of Human Resources staff are reviewing a process for ethics non-compliance in general. The training group is meeting in two weeks to discuss the process. All ethics personnel are welcome to contact the NEO if you are interested in serving on the workgroup.

520/521 forms

OGC has issued new HHS-520 and HHS-521 forms that are in PDF fillable format. Both are now posted on the NIH ethics program web site. The information requested is the same but there is a bit more room for some answers. They are to be used effective immediately (as of January 1, 2006). If someone has already submitted a 520 on the old form please proceed with its processing. Your IC employees should be notified that any future requests must be submitted on the new forms.

Clarification of Top 5 employees:

A Top 5 employee is the same as a Senior Employee. The positions that are Top 5 are:

- IC Directors
- IC Deputy Directors
- IC Scientific Directors
- IC Clinical Directors
- IC Extramural Directors that report directly to the IC Director

The list of Top 5 employees is not the same as list of all SF-278 filers. There are more SF-278 filers than there are Top 5 employees because there are many lab and branch chiefs whose position require them to file the SF-178, but they are not Top 5. A 278 filer is designated by statute and OGE. For now, all DEC's report their financial holdings to the OGC. All other requests are filed through the NEO. This may change and notification will be sent out accordingly.

EMIS demonstration

Fran Plyler gave a short demonstration of training related reports in EMIS.

Notes:

- Employees should be indicated in EMIS as a 450 filer, a 278 filer or "training required" positions. This will help you identify employees who are required to take the training. Again, the information you report on is only as good as the data entered.
- An EMIS training class is going to be held at 6116 Executive Plaza, 4th floor training room on Wednesday, Jan 11th from 1 – 4pm. There is still space available in this class.

Meeting adjourned at 12:45pm

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